

MINUTES ADOPTED BY CITY COUNCIL

Greenville, NC
January 9, 2003

The Greenville City Council met in a regular meeting on the above date at 7:00 PM in the City Council Chambers, third floor of the Municipal Building, with Mayor Robert D. Parrott presiding. The meeting was called to order, followed by the invocation by Rhonda Jordan, Assistant Pastor at Cornerstone Baptist Church, and the pledge of allegiance to the flag. The following were present.

Mayor Robert D. Parrott
Mayor Pro-Tem Ric Miller
Council Member Mildred A. Council
Council Member Ray Craft
Council Member Pat Dunn
Council Member Rose H. Glover
Council Member Chip Little
Marvin W. Davis, City Manager
Wanda T. Elks, City Clerk
David A. Holec, City Attorney

APPROVAL OF AGENDA

City Manager Davis reported that Edward Jones, Jr. presented a written request to address the Council tonight regarding an issue that was discussed at the December 12 meeting.

Motion was made by Council Member Glover and seconded by Mayor Pro-Tem Miller to allow Mr. Jones to address the Council. Motion carried unanimously.

City Manager Davis then reported that there needs to be added to the agenda a closed session to consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged in accordance with G.S. 143-318.11(a)(3).

Motion was made by Council Member Glover and seconded by Council Member Council to add a closed session to the agenda in order to consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, including consultation concerning the lawsuit entitled Anderson et. al. vs. City of Greenville, NC. Motion carried unanimously.

Motion was made by Council Member Council and seconded by Council Member Glover to approve the agenda as amended. Motion carried unanimously.

APPOINTMENTS TO BOARDS AND COMMISSIONS

Firemen's Relief Fund Committee

Motion was made by Council Member Little and seconded by Council Member Glover to reappoint Linda Dortch for a second two-year term expiring January 2005. Motion carried unanimously.

Historic Preservation Commission

Motion was made by Council Member Council and seconded by Council Member Little to reappoint Franceine Rees and Vonda Rodriguez for a first three-year term expiring January 2006; and to appoint Greg Jarrell for a first three-year term expiring January 2006 replacing Rose Hopkins, who resigned. Motion carried unanimously.

Police Community Relations Committee

Council Member Craft announced his appointment of Louis Hobbie as the District #4 representative to fill an unexpired term expiring October 2003 replacing William Millar, who resigned.

Public Transportation and Parking Commission

Motion was made by Council Member Dunn and seconded by Council Member Little to appoint Robert Thompson for a three-year term expiring January 2006 replacing Richard Barnes, who is ineligible for reappointment; Margaret Gemperline for a three-year term expiring January 2006 replacing Louise Duncan, who is ineligible for reappointment; and Margaret Dixon for a three-year term expiring January 2006 replacing Thomas Moye, who is ineligible for reappointment. Motion carried unanimously.

ORDINANCE REZONING MAY FAMILY, LLC PROPERTY LOCATED NORTHWEST OF THE INTERSECTION OF FROG LEVEL ROAD AND FORLINES ROAD, FROM RA-20 TO R9S – ADOPTED

City Manager Davis reported that a notice of public hearing was published in The Daily Reflector on December 30, 2002 and January 6, 2003 setting this time, date and place for a public hearing to consider a request by the May Family, LLC to rezone a 43.58 acre tract located northwest of the intersection of Frog Level Road and Forlines Road, from RA-20 to R9S. At its December 17, 2002 meeting, the Planning and Zoning Commission voted to recommend approval of the request.

Mr. Harry Hamilton, Chief Planner, delineated the property on a map and stated that this request is to rezone 43.58 acres located at the intersection of Frog Level Road and Forlines Road from Residential/Agricultural to Residential-Single Family. The property is currently vacant farmland, and the land use plan recommends medium-density residential development in the outlying areas of the city where sewer is available. The R9S zone is considered a medium density residential district. If the property is developed for single-family at maximum density,

9,000 square foot lots would yield 174 single-family lots. Using a comparison estimate based on the Taberna Subdivision, it could yield 100 single-family lots. The RA-20 zoning requires setbacks of 10-foot front yard, 12-foot side yard, and 20-foot rear yard. The R-9S zoning district requires setbacks of 25-foot front yard, 10-foot side yard and 15-foot rear yard setback. The R9S zoning district only allows single-family. RA20 zoning allows single-family dwellings and has a duplex and mobile home option with a special use permit. The request is in compliance with the land use plan. There have been 16 rezonings representing 514 acres in the area within the last several years. No additional density is expected with the rezoning of this property.

Mayor Parrott declared the public hearing open and solicited comments from the audience.

Mr. Mike Baldwin, representing the petitioner, stated that the property is under contract. The rezoning is being requested in order to get a reduction in setbacks.

There being no further comments, the public hearing was closed.

Motion was made by Council Member Dunn and seconded by Council Member Craft to adopt the ordinance rezoning a 43.58-acre tract located northwest of the intersection of Frog Level Road and Forlines Road, from RA-20 to R9S. Motion carried unanimously. (Ordinance No. 03-01)

ORDINANCE REZONING MAX POLLARD HEIRS PROPERTY LOCATED ADJACENT TO THE NORTHERN RIGHT-OF-WAY OF STANTONSBURG ROAD, SOUTH OF US HIGHWAY 264 AND WEST OF PARK WEST SUBDIVISION FROM MRS TO OR - ADOPTED

City Manager Davis reported that a notice of public hearing was published in The Daily Reflector on December 30, 2002 and January 6, 2003 setting this time, date and place for a public hearing to consider a request by the Max Pollard Heirs to rezone a 21.64 acre tract located adjacent to the northern right-of-way of Stantonburg Road, south of US Highway 264 and west of Park West Subdivision, from MRS to OR. The Planning and Zoning Commission voted to recommend approval of the request at its December 17, 2002 meeting

Mr. Harry Hamilton, Chief Planner, delineated the property on a map and stated that this request is to rezone a 21.64-acre tract located adjacent to the northern right-of-way of Stantonburg Road. This request is to rezone from Medical-Residential Single-Family to Office-Residential. The property was brought into the extraterritorial jurisdiction in 1986 and zoned MRS, which is a parallel zone to RA-20. The Land Use Plan recommends high-density residential development. The proposed OR zone contains a high-density residential option. The request is in compliance with the Comprehensive Plan. Future estimated density under the current zoning would be approximately 35 single-family dwellings using Lake Ellsworth as a comparison. Future estimated density under the proposed zoning with a maximum density of 17 units per acre utilizing three-story buildings, could yield 294 multi-family units. A similar comparison would be the Park West Development, which could yield of 143 multi-family units or 52 duplex lots.

Mayor Parrott declared the public hearing open and solicited comments from the audience.

Mr. Mike Baldwin, stated that there are no current plans for development of this property.

There being no further comments, the public hearing was closed.

Motion was made by Council Member Council and seconded by Council Member Dunn to adopt the ordinance rezoning a 21.64 acre tract located adjacent to the northern right-of-way of Stantonsburg Road, south of US Highway 264 and west of Park West Subdivision, from MRS to OR. Motion carried unanimously. (Ordinance No. 03-02)

ORDINANCE GRANTING TAXICAB FRANCHISE TO TIMOTHY WAYNE HARRIS (GRIFTON TAXI) DBA A TO B DELIVERY & TAXI - DENIED

City Manager Davis stated that notice of public hearing was advertised in The Daily Reflector on December 30, 2002 setting this time, date and place for a public hearing for Timothy Wayne Harris (Grifton Taxi) DBA A to B Delivery & Taxi. Notices were mailed to all taxicab franchisees.

City Attorney Holec stated that the Police Department has reviewed this application, and, based on the findings, they find reasons to object to the granting of a franchise. The Planning and Community Development Department has also reviewed the request and finds that the vehicles, if parked in accordance with the application, are not in compliance with the ordinance. Staff recommends denial of this request.

Mayor Parrott declared the public hearing open and solicited comments from the audience. There being none, the public hearing was declared closed.

Motion was made by Council Member Craft and seconded by Council Member Little to deny the ordinance granting a taxicab franchise for Timothy Wayne Harris (Grifton Taxi) DBA A to B Delivery & Taxi. Motion carried unanimously.

ADDRESS BY EDWARD JONES, JR.

Mr. Edward Jones, Jr. appeared before the Council and expressed his concern about the insensitivity and rudeness that was displayed at the December 12 City Council meeting. He indicated that disrespect was shown to both Council Members Glover and Council. He thanked Mayor Pro-Tem Miller and Council Member Little for trying to intervene during the discussions. He asked for an apology from the Council regarding the display of insensitivity and rudeness.

Mayor Parrott stated that all members of the Council are sensitive to all members of the community and all the citizens of Greenville. They do their best to make sure they are not insensitive to anyone.

GREENVILLE UTILITIES COMMISSION FY 2002-03 ELECTRIC FUND BUDGET AMENDMENT - ADOPTED

General Manager Green explained to the Council that in 1991, the Greenville Utilities Commissioners took a long-range view of wholesale power costs and developed a 10-year strategy to offset the increase. There is a three percent increase that came January 1. It is anticipated that an additional increase of 1.2% will be added in October 2003. Rather than passing it through to the consumer, the Commission thinks this is an opportunity to absorb those costs. Some of the power purchased by Greenville Utilities is from CP&L. He asked the Council to transfer \$1.1 million from rate stabilization fund, which should take the Commission through the year 2008. The Greenville Utilities Commission Board approved an amendment to the FY 2002-2003 Electric Fund to fund the six-month increase with funds currently budgeted for deposit into rate stabilization (\$459,168) and by using \$1,225,425 of the existing rate stabilization fund. General Manager Green requested that the City Council take similar action.

Motion was made by Council Member Craft and seconded by Mayor Pro-Tem Miller to adopt the ordinance amending the Greenville Utilities Commission FY 2002-03 Electric Fund budget. Motion carried unanimously. (Ordinance No. 03-03)

BUDGET ORDINANCE AMENDMENT FOR FY 2002-03 CITY OF GREENVILLE BUDGET - ADOPTED

Ms. Bernita Demery, Director of Financial Services, informed the Council that the amendment being presented is the mid-year budget ordinance amendment, and there are four capital project budget ordinance amendments to consolidate funds for the construction of the third ball field at H. Boyd Lee Park.

Motion was made by Council Member Dunn and seconded by Council Member Council to adopt the ordinances amending the ordinance for the FY 2002-2003 City of Greenville Budget. Motion carried unanimously. (Ordinance Nos. 03-04, 03-05, 03-06, 03-07, 03-08)

RESOLUTION FOR ADDITIONAL INDEBTEDNESS FOR LEASE PURCHASE ITEMS FOR GREENVILLE UTILITIES COMMISSION - ADOPTED

Mr. Mike Ervin, Interim Finance Director of Greenville Utilities Commission, reminded the Council that in December 2002, they approved a lease purchase package totaling \$212,926 for heavy equipment for the Gas Department. As part of the revenue bond covenants, additional indebtedness requires the adoption of a resolution by Greenville Utilities Commission and the City Council. This action was approved by the Greenville Utilities Commissioners in November 2002.

Motion was made by Mayor Pro-Tem Miller and seconded by Council Member Craft to adopt the resolution for additional indebtedness for lease purchase items for the Greenville Utilities Commission. Motion carried unanimously. (Resolution No. 03-02)

TECHNICAL SERVICES AGREEMENT FOR BOND REFINANCING – APPROVED

Deputy City Manager Bill Richardson stated that in 1993, the City issued \$19.87 million in General Obligation Bonds--\$13.5 million for Greenville Utilities Commission Sanitary Sewer Bonds, \$4.475 million for City Public Improvement Bonds, and \$1.9 million for refunding 1985 GO bonds. Market rates are down and are presently considered favorable for a refinancing or refunding. Based upon a preliminary refunding analysis with a mid-March closing date, there is an estimated debt service savings of approximately \$457,000 (\$112,422 for the City and \$344,578 for Greenville Utilities Commission). To ensure that the refinancing goes properly and in a timely manner, a financial advisor is proposed to work with the City and Greenville Utilities Commission staffs to provide technical services, advice, and manage the financial underwriting of the refunding. The closing date is mid-March. He asked that the Council approve the letter agreement dated December 27 with Legg Mason Wood Walker, Inc. as financial advisor for refunding the 1993 General Obligation Bonds.

Motion was made by Council Member Little and seconded by Council Member Dunn to approve the letter agreement dated December 27, 2002 with Legg Mason Wood Walker, Inc. as financial advisor for refunding the 1993 General Obligation Bonds. Motion carried unanimously. (Contract No. 1232)

ORDINANCE DESIGNATING FIRE LANE AT ARLINGTON PLAZA - ADOPTED

Chief of Fire/Rescue Roy Spell, explained to the Council that Jim Criswell, property manager of Arlington Plaza, requested a fire lane designation at the shopping center. This designation will allow fire and police personnel to regulate individuals parked in the fire lane in an effort to ensure prompt access for personnel in the event of fire and/or EMS emergencies.

Motion was made by Council Member Little and seconded by Council Member Dunn to adopt the ordinance designating a fire lane from Petsmart to Staples, from Bear Rock to E. B. Kramer and the Fire Corridor, and behind Michaels near the firebox at Arlington Plaza. Motion carried unanimously. (Ordinance No. 03-09)

Motion was made by Mayor Pro-Tem Miller and seconded by Council Member Craft to have the City Attorney prepare an ordinance that raises the fee for parking in a fire lane to \$100. Motion carried unanimously.

AWARD OF GRADING CONTRACT AT H. BOYD LEE PARK - APPROVED

Mr. Tom Tysinger, Director of Public Works, stated that E. R. Lewis is the low bidder for the grading contract for the H. Boyd Lee Park, Field No. 3. The project is being handled partially by the Public Works Department and partially by Recreational and Parks to cut down on the general contractor costs. The contract amount is \$79,498, with a \$4,002 contingency, for a total of \$83,500.

Council Member Council requested that Mr. Lee follow up on the donation of property by E. R. Lewis for the Greenfield Terrace Park.

Mr. Boyd Lee, Director of Recreation and Parks indicated that when he spoke to Mr. Lewis about three months ago, he was working on the donation. He will get an update for Council.

Motion was made by Mayor Pro-Tem Miller and seconded by Council Member Little to approve the grading contact at H. Boyd Lee Park to E. R. Lewis in the amount of \$83,500.00. Motion carried unanimously. (Contract No. 1233)

PURCHASE OF PROPERTY WITH HOTEL/MOTEL OCCUPANCY TAX FUNDS AND BUDGET ORDINANCE AMENDMENT - ADOPTED

City Manager Davis stated that the Pizza Hut property that is in front of the convention center could be a tremendous asset. The owner of the property, Jim Ward, has agreed to sell the property to the City at less than the fair market appraisal price.

Mayor Parrott stated that the convention center is a big asset to the City, and the Pizza Hut property is needed. It increases the visibility to the convention center. He reminded everyone that the money used to pay for the acquisition of the property will come from the occupancy tax and not from the property taxes of the citizens.

Council Member Council encouraged the citizens to bring groups into the City and to use the convention center.

Mayor Parrott stated that the City has to continue to improve the convention center, because there is a lot of competition.

Motion was made by Council Member Council and seconded by Mayor Pro-Tem Miller to approve the purchase of property located at 305 Greenville Boulevard in the amount of \$562,500 and to adopt the budget ordinance appropriating funds for the same. Motion carried unanimously. (Contract No. 1234; Ordinance No. 03-10)

REPORT ON BIDS AWARDED

City Manager Davis informed the Council that the following bids had been awarded:

<u>Date</u>	<u>Item Description</u>	<u>Awarded To</u>	<u>Amount</u>
*11/29/02	John Deere Tractors with Turf Tires (4) (Rec. & Parks)	John Deere Company	\$53,194.98
12/09/02	Jacobsen Mowers (3)	G & S Turf Company	\$64,241.00
*12/18/02	Panasonic Toughbook CF28 Computers	Prosys Information Systems	\$70,000.00

*State Contract Purchases.

COMMENTS FROM MAYOR AND CITY COUNCIL MEMBERS

There were no comments from the Mayor and City Council.

CITY MANAGER'S REPORT

Good News Report

City Manager Davis stated that Charles Williams was presented a meritorious service award from the North Carolina Baseball Coaches Association.

Planning Session Update

City Manager Davis stated that Janice Faulkner has agreed to facilitate the February 1 planning session and to donate her time.

Joint Meeting with the Pitt County Commissioners – February 20, 2003, 5:30 p.m., Sheppard Memorial Library

Motion was made by Council Member Dunn and seconded by Council Member Council to have the joint meeting with the Pitt County Commissioners on February 20, 2003 at 5:30 p.m. in Sheppard Memorial Library. Motion carried unanimously.

Grant Received

City Manager Davis reported that the City received a \$73,000 Clean Water Trust Fund in order to acquire land for the southside greenway and the greenway areas. In late 1998, \$1.2 million was received from the Clean Water Trust Fund. They did allow administration of funds for acquisition and best management practices for the environmental process. Because of the flood and a considerable workload, the City has not been able to execute the grant without administrative funds. This goes along with stormwater. Also, a portion of the grant will be used to cover costs already incurred with the purchase of property for the placement of the Greene Street Bridge over Town Creek at the Town Commons. The funds will include contracted services to administer the grant and it will focus on buffer areas of Green Mill Run.

Grant Received

City Manager Davis stated that the Fire/Rescue Department has applied for a \$123,000+ grant for expansion of the Fire/Rescue Search and Rescue Team.

CLOSED SESSION

Motion was made by Council Member Little and seconded by Mayor Pro-Tem Miller to go into closed session in order to consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, including consultation concerning the lawsuit entitled Anderson, et. al. vs. City of Greenville, NC. Motion carried unanimously.

OPEN SESSION

Motion was made by Council Member Little and seconded by Council Member Council to return to open session. Motion carried unanimously.

ADJOURN

Motion was made by Council Member Little and seconded by Council Member Glover to adjourn the meeting at 8:50 p.m. Motion carried unanimously.

Respectfully submitted,

Wanda T. Elks, CMC
City Clerk